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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,034	01/22/2004	Markus Steckhan	IF-F25	8268

7590

04/18/2006

Margaret Polson
Patent Law Offices of Rick Martin, P.C.
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EXAMINER

PAHNG, JASON Y

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,034

Applicant(s)

STECKHAN, MARKUS

Examiner

Jason Y. Pahng

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/30/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 9-11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim, as set forth in the last Office action. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The recited automatic coffee maker is not a subject matter of a previous claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are numerous errors regarding antecedent basis. The entire claims should be reviewed and corrected. For example, with regard to claim 1, are the compartments in line 3 the same compartments as in line 2, as set forth in the last Office action? Also, are the compartments in line 4 the same compartments as in line 2? Additionally, is the output in line 7 the same output as in line 3, as set forth in the last Office action?

Furthermore, is the compartment in line 7 the same compartment as in line 2, as set forth in the last Office action?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-6, as well as can be understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Whitney (US 6,339,985).

With regard to claim 1, Whitney discloses a coffee grinder with substantially all of the claimed structure including:

1. a coffee bean container (100) having at least two compartments (104);
2. each compartments having an output (Figure 30);
3. a bottom-side output shaft (Figure 30) common to both compartments and connected to the outputs;
4. a grinding mill (10) disposed beneath the output shaft; and
5. a closure element (76-79) forms with the grinding mill (10) a single unit (Figure 24); and
6. the coffee bean container (100) is disposed rotatably (column 11, line 45).

With regard to claim 3, Whitney discloses a closure element (76-79, Figure 25) disposed beneath a guide element (70, Figures 21 and 24). The contour of the closure element (76-79) is adapted to the underside of the guide element (70).

With regard to claim 4, Whitney discloses a closure element (76-79) connected form-fittingly with the grinding mill (10). The closure element is relative to the rotatability of the coffee bean container (100).

With regard to claim 5, Whitney discloses a closure element (76-79) comprising a radially projecting toe (Figure 25) to engage a seating (where the toes seat) of the grinding mill (10). See the passage (33, column 10, lines 45-49) of the grinding mill (10) in Figure 12.

With regard to claim 6, Whitney discloses a coffee bean container (100) comprising an encircling collar encompassing an output shaft (Figure 30). The portion of the coffee bean container (100) encircling the output shaft is the collar.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitney (US 6,339,985) in view of Schmidt (US 4,759,274).

Claims 7 and 8 call for a bayonet lock connection for the coffee bean container. In a closely related art, Schmidt discloses a coffee maker with a coffee container connected by a bayonet lock in order to connect the container with a single rotation. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Whitney with a bayonet lock connection for the coffee bean container in order to connect the container with a single rotation, as taught by Schmidt.

With regard to claims 9-11, Whitney discloses a coffee grinder to be mounted in an automatic coffee maker (Figure 1).

Response to Arguments

Applicant's arguments filed January 30, 2006 have been fully considered but they are not persuasive.

Applicant presents no arguments regarding claim objections made in the last Office action and has not amended to overcome the claim objections. Applicant is required to respond to the claim objections.

Applicant presents no arguments regarding claim rejections under 35 U.S.C. 112 made in the last Office action. Most of the issues regarding the claim rejections remain. Applicant is required to respond to the claim rejections.

Applicant alleges that Whitney does not disclose a bottom side output shaft common to all compartments of the container and connected to the compartments (page 6). However, Whitney discloses a bottom side output shaft common to all compartments of the container and connected to the compartments as shown in Figure

30. Applicant does not provide any argument or supporting statements regarding this allegation.

Applicant also alleges that Whitney does not disclose a closure element for closing of an output of at least one compartment (page 6). However, Whitney discloses a closure element for closing of an output of at least one compartment (column 11, line 54-56). Applicant does not provide any argument or supporting statements regarding this allegation.

Applicant argues that Whitney does not disclose a closure element which is part of the grinding mill (page 6). However, Applicant does not claim a grinding mill which comprises a closure element. Therefore, this argument is not relevant.

Applicant also argues that Whitney's closure element (76-79) is different from the claim because Whitney's closure element prevents moisture entering into the compartments (page 7). This may well be true. However, Whitney, nonetheless, meets all the limitations of claim 1. Therefore, this argument is not relevant.

Applicant, additionally, argues that Whitney's device has drawbacks. This may also be true. However, Whitney, nonetheless, meets all the respective claim limitations. Therefore, this argument is not relevant.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JYP

A handwritten signature in black ink, appearing to read 'Derris H. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700